

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

**Re: ECF No. 16857**

(Jointly Administered)

**URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINE TO SUBMIT  
FOURTH JOINT STATUS REPORT OF THE COMMONWEALTH OF PUERTO RICO  
AND CONSUL-TECH CARIBE, INC.**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”),<sup>2</sup> pursuant to the authority granted to it under Act 2-2017, respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadline set forth in *Order Setting Deadline for Further Status Report Regarding Consul-Tech*

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.).

<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ sole Title III representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

*Caribe Inc's Motion for Allowance and Payment of Administrative Expense Claim* [ECF No. 16857] (the "Fourth Joint Status Report Order").<sup>3</sup>

### **Background**

1. On January 13, 2020, Consul-Tech Caribe, Inc ("Consul-Tech" or "Movant") filed the *Motion for Allowance and Payment of Administrative Expense Claim* [ECF No. 9845] (the "Administrative Expense Motion"), pursuant to section 503 of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code"), requesting that the Court enter an order directing the Debtor to pay the amount of \$5,120,772.50 as an allowed administrative expense claim (the "Claim"). Movant submits that the amounts allegedly owed by the Debtor are for post-petition services provided by Movant and that, as a result, Movant is entitled to administrative expense priority and immediate payment. *See, Administrative Expense Motion* at p. 21.

2. On September 16, 2020, the Court held a hearing to consider Consul-Tech's Administrative Expense Motion, the Objection, and the Reply (the "Hearing"). After evaluating the briefs as well as the arguments presented at the Hearing, the Court issued the *Order Denying Consul-Tech Caribe Inc's Motion for Allowance and Payment of Administrative Expense Claim* [ECF No. 14320] (the "Order"), denying the Administrative Expense Motion, without prejudice, and ordering the parties to meet and confer to attempt to resolve the Administrative Expense Motion consensually. [ECF No. 14320].

3. After filing two joint status report, on May 28, 2021, the Debtor and Movant filed the Third Joint Status Report. [ECF No. 16839].

---

<sup>3</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the *Third Joint Status Report of the Commonwealth of Puerto Rico and Consul-Tech Caribe Inc.* (the "Third Joint Status Report"). [ECF No. 16839].

4. On June 1, 2021, the Court issued the Fourth Joint Status Report Order, directing the parties to file a further joint status report on or before **July 14, 2021, at 5:00 p.m.** (AST) [ECF No. 16857].

#### **Request for Relief**

5. The Debtor and Movant have been working diligently on their respective parts of the status report. Nevertheless, the parties need a short twenty-four (24) hour extension of time to finalize the same. Accordingly, the Debtor, with Movant's consent, respectfully requests that the deadline to submit the fourth joint status report be extended to **July 15, 2021, at 5:00 pm. (AST)**.

6. The Debtor discussed this request with counsel for Movant, who consented to the relief requested herein.

7. Pursuant to Paragraph 1.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

#### **Notice**

8. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against the Debtor; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of

the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>4</sup> (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtor's case website at <https://cases.primeclerk.com/puertorico/>.

9. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

**WHEREFORE**, the Debtor requests the Court enter the Proposed Order and grant such

Dated: July 14, 2021

San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi  
Luis C. Marini-Biaggi  
USDC No. 222301  
Email: lmarini@mpmlawpr.com

/s/ Carolina Velaz-Rivero  
Carolina Velaz-Rivero  
USDC No. 300913  
Email: cvelaz@mpmlawpr.com

**MARINI PIETRANTONI MUÑOZ LLC**

250 Ponce de León Ave.  
Suite 900  
San Juan, Puerto Rico 00918  
Tel: (787) 705-2171  
Fax: (787) 936-7494

*Attorneys for the Puerto Rico Fiscal  
Agency and Financial Advisory Authority*

---

<sup>4</sup> The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtor; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtor.

**Exhibit A**  
**Proposed Order**